

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
SPARTANBURG DIVISION**

Terria Holcomb, as Personal Represenative)
For the Estate of Darius L.J. Holcomb,)
)
)
 Plaintiff,)
)
)
vs.)
)
Spartanburg County, Spartanburg County)
Sheriff's Office, Officer Wesley E. Bennett)
both individually and in his capacity as a)
deputy of the Spartanburg County Sheriff's)
Office and Chuck Wright, in his capacity as)
the Sheriff of the Spartanburg County)
Sheriff's Office,)
)
 Defendants.)

NOTICE OF REMOVAL

TO: TERRIA HOLCOMB AND HER ATTORNEY MARVIN R. PENDARVIS:

YOU WILL PLEASE TAKE NOTICE that these Defendants, Spartanburg County, Spartanburg County Sheriff's Office, and Chuck Wright in his capacity as Sheriff of Spartanburg County Sheriff's Office, remove the above-captioned case from the Circuit Court of Spartanburg County, South Carolina, into the United States District Court, District of South Carolina, Spartanburg Division. This removal is proper on the following grounds:

1. A civil action has been commenced and is now pending in the Circuit Court of Spartanburg County, State of South Carolina, styled *Terria Holcomb, as Personal Representative for the Estate of Darius L.J. Holcomb v. Spartanburg County, Spartanburg County Sheriff's Office, Officer Wesley E. Bennett, both individually and in his capacity as deputy of the Spartanburg County Sheriff's Office, and Chuck Wright in his capacity as the Sheriff of the Spartanburg County Sheriff's Office.*

2. These Defendants are entitled to removal of the aforesaid to this Court because the Petition raises claims arising under the Constitution and laws of the United States as contemplated by 42 U.S.C. § 1983 and 42 U.S.C. §1988.

3. This action was commenced by service of the Plaintiff, attached hereto as Exhibit A, effectuated by Affidavit of Service serving these Defendants Spartanburg County on February 12, 2024, attached hereto as Exhibit B. Pursuant to 28 U.S.C. § 1446, this Notice of Removal is filed within thirty (30) days of service upon these Defendants of the initial pleadings setting forth the claim upon which relief is requested. These Defendants will file a reply as provided by law.

4. These Defendants have consulted with Russell W. Harter, Jr., counsel for Defendant Wesley E. Bennett, and received consent for this removal to Federal Court.

5. The Honorable Amy W. Cox, Spartanburg County Clerk of Court, has been provided a copy of this Notice of Removal.

WHEREFORE, these Defendants give notice that the aforesaid action is removed from the Circuit Court of Spartanburg County, State of South Carolina, and to this Court for determination.

WILLSON JONES CARTER & BAXLEY, P.A.

s/Charles F. Turner, Jr.

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***Attorney for Defendants Spartanburg County,
Spartanburg County Sheriff's Office and Sheriff
Chuck Wright***

March 6, 2024